

EXHIBIT

B

CAUSE NO. 21-05-14010-DCV

LIDIA MARIA MIRANDA	§	IN THE DISTRICT COURT
	§	
VS	§	OF DIMMIT COUNTY, TEXAS
	§	
FAMILY DOLLAR STORES OF TEXAS, LLC	§	<u>293RD</u> JUDICIAL DISTRICT
	§	

PLAINTIFF'S ORIGINAL PETITION

NOW COMES Plaintiff Lidia Maria Miranda, complaining of Defendant Family Dollar Stores of Texas, LLC, and for cause of action would show the Court the following:

Discovery Control Plan

1. As provided in Rule 190, Texas Rules of Civil Procedure, Plaintiff intends to conduct discovery under Level 2.

Plaintiff

2. This Petition is filed by Lidia Maria Miranda, Plaintiff, an individual who resides in Asherton, Dimmit County, Texas. The last three digits of Plaintiff's driver's license number are 790. The last three digits of Plaintiff's Social Security number are 034.

Defendant

3. Defendant, Family Dollar Stores of Texas, LLC, is a limited liability company. It can be served with process by serving Corporation Service Company D/B/A CSC Lawyers Inco, its registered agent, by personal delivery at the registered office located at 211 E. 7th Street Suite 620, Austin, Texas 78701.

4. This Court has jurisdiction over Family Dollar Stores of Texas, LLC because said Defendant is a resident of Texas.

Venue

5. Venue is proper in this county in that the events giving rise to this cause of action occurred within Dimmit County.

Plaintiff's Original Petition

I, MARICELA G. GONZALEZ, District Clerk of Dimmit County, Texas hereby certify that the foregoing consisting of 4 pages, is a true, correct and full copy of the instrument herewith set out as it appears of record in the District Clerk's office of Dimmit County, Texas this 1st day of July, 2021.

Maricela G. Gonzalez, District Clerk
 By: Dora Balderas Deputy

Jurisdiction

6. The damages sought in this suit are within the jurisdictional limits of the Court. As required by Rule 47, Texas Rules of Civil Procedure, Plaintiff states that Plaintiff seeks monetary relief of \$250,000 or less and non-monetary relief.

Facts

7. This lawsuit involves injuries and damages resulting from an incident which occurred on February 19, 2020, hereinafter called "the incident", on premises located at the Family Dollar at 822 Forest Street, Asherton, Dimmit County, Texas., hereinafter called "the premises".

8. At all times relevant to this cause, Family Dollar Stores of Texas, LLC was in possession or control of the premises as an owner of the property.

9. Lidia Maria Miranda was an invitee on the property. Plaintiff was a customer of Defendant's store.

10. On or around February 19, 2020, Plaintiff was an invitee to the premises of Family Dollar located at 822 Forest Street, Asherton, Dimmit County, Texas 78227. Plaintiff was shopping in the store and as she turned a corner, she tripped and fell on a stack of boxes that were dangerously left on the floor in the pathway by management. There were no warnings or cones. Plaintiff was taken by ambulance to the Emergency Room for her serious injuries.

Cause of Action Against Family Dollar Stores of Texas, LLC

11. Family Dollar Stores of Texas, LLC owed Lidia Maria Miranda a duty to use reasonable care to protect Plaintiff from conditions that create an unreasonable risk of harm and that should be discovered by Family Dollar Stores of Texas, LLC through the exercise of reasonable care. Family Dollar Stores of Texas, LLC breached that duty by;

- a. Failing to provide a safe environment for the use of its business invitees;
- b. Failing to properly inspect and maintain the flooring area in question to discover the dangerous condition;
- c. Failing to maintain the floor in a reasonably safe condition;

- d. Failing to protect its business invitees against known dangerous conditions or conditions that in the exercise of reasonable diligence should have discovered;
- e. Failing to give adequate and understandable warnings to Plaintiff of the unsafe condition of the flooring;
- f. Failing to give warnings to Plaintiff of the unsafe condition;
- g. Failing to clean up the wet floor causing the slip and fall;
- h. Act and/or omissions constituting negligence.

12. Family Dollar Stores of Texas, LLC's breach of duty was a proximate cause of the injuries and damages sustained by Plaintiff.

Damages - Lidia Maria Miranda

13. As a result of the above, Lidia Maria Miranda suffered and will continue to suffer, and now seeks actual damages for, the following:

- i. physical pain and suffering;
- j. future physical pain and suffering;
- k. medical or health care expenses;
- l. future medical or health care expenses;
- m. disfigurement;
- n. future disfigurement;
- o. physical impairment;
- p. mental or emotional pain and anguish; and
- q. future mental or emotional pain and anguish.

Interest

14. Plaintiff seeks prejudgment and post-judgment interest on all damage awards.

Attorney's Fees and Costs

15. Plaintiff seeks judgment for reasonable attorney's fees and costs.

Alternative Pleadings

16. As provided in Rule 48, Texas Rules of Civil Procedure, claims for relief made in this Petition are presented in the alternative when necessary, to preserve such claim.

Initial Disclosures

17. As provided in Rule 194, Texas Rules of Civil Procedure, required Initial Disclosures of all items listed in Rule 194.2 must be made at or within 30 days after the filing of the first answer unless a different time is set by the parties' agreement or court order.

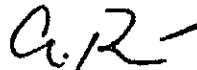
18. Plaintiff asks the Court to keep the requirement of Initial Disclosures to be made within 30 days.

Prayer

Plaintiff prays that citation be issued commanding Defendant to appear and answer herein and that Plaintiff be awarded judgment against Defendant for the relief requested herein and for all other relief to which Plaintiff is entitled both in equity and at law.

Respectfully submitted,

Román Law Office
P.O. Box 690728
San Antonio, Texas 78269
210.437.3377
210.686.0740 (fax)
office@ajr-law.com



Armando J. Román
State Bar No. 24046752
Attorney for Plaintiff

THE STATE OF TEXAS
CITATION BY PERSONAL SERVICE
CAUSE NO.: 21-05-14010-DCV

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you."

TO: FAMILY DOLLAR STORES OF TEXAS, LLC, may be served with process by serving its registered agent, **CORPORATION SERVICE COMPANY D/B/A/ LAYWERS INCO**, at 211 E. 7th Street Suite 620, Austin, Texas 78701.

(REFER TO CERTIFIED COPY OF PLAINTIFF'S ORIGINAL PETITION ATTACHED HERETO:)

Defendant, in the hereinafter styled and numbered cause: 21-05-14010-DCV

YOU ARE HEREBY COMMANDED to appear before the honorable 293rd District Court of Dimmit County, Texas, by filing a written answer to the Petition of Plaintiff(s) at or before 10:00 o'clock a.m. on the Monday next after the expiration of 20 days after the date of service hereof, a copy of which accompanies this citation, in Cause Number 21-05-14010-DCV, styled

LIDIA MARIA MIRANDA
VS.
FAMILY DOLLAR STORES OF TEXAS, LLC

filed in said court on the 21st day of May, 2021.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said court at office, this the 21st day of May, 2021.

MARICELA G. GONZALEZ, DISTRICT CLERK
Dimmit County, Texas
103 North 5th Street
Carrizo Springs, TX 78834

SEAL

By: *Dora A. Balderas*
DORA A. BALDERAS, CHIEF DEPUTY DISTRICT CLERK

PLAINTIFF'S ATTORNEY:
ARMANDO ROMAN
P.O. BOX 690728
SAN ANTONIO, TX 78269

I, MARICELA G. GONZALEZ, District Clerk of Dimmit County, Texas hereby certify that the foregoing consisting of 2 pages, is a true, correct and full copy of the instrument herewith set out as it appears of record in the District Clerk's office of Dimmit County, Texas this 15th day of July, 2021.

Maricela G. Gonzalez, District Clerk
By: *Dora A. Balderas* Deputy

Case No. 21-05-14010-DCV

Citation by Personal Service

293RD DISTRICT COURT of DIMMIT COUNTY, TEXAS

Issued

This 21st day of May, 2021
Maricela G. Gonzalez, District Clerk
Dimmit County, Texas

By Dora A. Balderas
Dora A. Balderas, Chief Deputy District Clerk

RETURN OF CITATION

Came to hand on the _____ day of _____, 2_____, at _____ o'clock _____ M.
Executed at _____, within the County of _____, at _____
o'clock _____ M. on the _____ day of _____, 2_____, by delivering to the within named
_____ in person, a true copy of this citation together with the accompanying copy of
the petition, having first attached such copy of such petition to such copy of citation and endorsed on such copy of
citation the date of delivery.

Not executed, the diligence used to execute being _____

_____ ; for the following reason _____
_____, the Defendant may be found _____.

TO CERTIFY WHICH WITNESS MY HAND OFFICIALLY.

Authorized Person

County, Texas

By _____ Deputy

VERIFICATION

State of Texas
County of _____

Before me, on this day personally appeared _____, who
being duly sworn on his oath deposed and said that he is of sound mind, and in no manner interested in the within
styled and numbered cause, and competent to make the oath of the facts herein stated, and that he has read the
foregoing Return of Citation and that every statement contained therein is within his personal knowledge true and
correct.

Authorized Person

Subscribed and sworn to before me on _____, 2_____, to certify which witness
my hand and official seal.

Notary Public in and for

County, Texas
My commission expires: _____

Notary's signature

Filed 5/28/2021 8:45 AM

Maricela G. Gonzalez

District Clerk

Dimmit County, Texas

Reviewed By: Dora Balderas



293rd JUDICIAL DISTRICT OF TEXAS

MARIBEL FLORES
District Judge

Maverick County District Courtroom

Dimmit County Courthouse Annex

(830) 758-1730 Tel / (830) 758-1775 Fax

Zavala County District Courtroom

CAUSE NO. 21-05-14010-DCV

LIDIA MARIA MIRANDA

§

IN THE DISTRICT COURT

vs.

§

293rd JUDICIAL DISTRICTFAMILY DOLLAR STORES OF
TEXAS, LLC

§

DIMMIT COUNTY, TEXAS

NOTICE OF COURT HEARING

Notice is hereby given that the above styled and numbered cause has been set with the Court for Zoom Video Hearing for **PRETRIAL HEARING / DOCKET CONTROL CONFERENCE** on **October 5, 2021 at 09:00 a.m.**, at which time all interested parties shall appear.

Counsel for the Plaintiff(s) is Ordered to notify Counsel for the Defendant(s) of this setting within three (3) days of receiving an Answer. If no Answer has been filed by any Defendant prior to the date of the hearing, the appearance of Counsel for the Plaintiff(s) will be excused, unless written notice is submitted to the Court by 3:00 p.m., via e-file.

If the Court receives the completed Docket Control Order signed by all Counsel prior to the date set for the hearing, the attendance of all Counsel at the hearing will be excused; otherwise, the attendance of Counsel is mandatory. All docket call, trial and hearing dates must conform with the Court's calendar. The parties may agree to the selection of a mediator; however, if no selection has been made by the parties when the Court receives the executed Docket Control Order, the Court will select the mediator.

Counsel is responsible to ensure his/her respective client(s) have the Zoom link and appear for said hearing as needed. All parties are instructed by the Court to login 20 minutes before their scheduled hearing time.

Signed on this the 28th day of May, 2021.

MARIBEL FLORES

Presiding Judge

Zoom Hearing Link: txcourts.zoom.us/j/96537286708

cc: Mr. Armando Roman, Attorney at Law, via E-File

I, MARICELA G. GONZALEZ, District Clerk of Dimmit County, Texas hereby certify that the foregoing consisting of 1 pages, a true, correct and full copy of the instrument herewith set out as it appears of record in the District Clerk's office of Dimmit County, Texas this 1st day of July, 2021.

Maricela G. Gonzalez, District Clerk

By: Dora Balderas, Deputy

Filed 6/15/2021 4:48 PM

Maricela G. Gonzalez

District Clerk

Dimmit County, Texas

Reviewed By: Dora Balderas

293rd District Court of DIMMIT County, Texas

PO BOX 4360 EAGLE PASS TX 78853

CASE #: 21-05-14010-DCV

LIDIA MARIA MIRANDA

Plaintiff

vs

FAMILY DOLLAR STORES OF TEXAS, LLC

Defendant

I, MARICELA G. GONZALEZ, District Clerk of Dimmit County, Texas hereby certify that the foregoing consisting of 3 pages, is a true, correct and full copy of the instrument herewith set out as it appears of record in the District Clerk's office of Dimmit County, Texas this 1st day of July, 2021.

Maricela G. Gonzalez, District Clerk

By: Dora Balderas DeputyAFFIDAVIT OF SERVICE

I, JAMES R HENDERSON, make statement to the fact; That I am a competent person more than 18 years of age or older and not a party to this action, nor interested in outcome of the suit. That I received the documents stated below on 06/10/21 10:25 am, instructing for same to be delivered upon FAMILY DOLLAR STORES OF TEXAS, LLC BY SERVING ITS REGISTERED AGENT, CORPORATION SERVICE COMPANY D/B/A LAWYERS INCO.

That I delivered to: FAMILY DOLLAR STORES OF TEXAS, LLC BY SERVING ITS REGISTERED AGENT, CORPORATION SERVICE COMPANY D/B/A LAWYERS INCO. By Delivering to Samantha Guerra, Authorized To Accept

the following : CITATION BY PERSONAL SERVICE; PLAINTIFF'S ORIGINAL PETITION

at this address : 211 E. 7TH STREET, SUITE 620
Austin, Travis County, TX 78701

Manner of Delivery : By PERSONALLY delivering the document(s) to the person above.

Delivered on : Thursday June 10, 2021 11:50 am

My name is JAMES R HENDERSON, my date of birth is October 24th, 1980, and my address is Professional Civil Process Downtown, 2211 S. IH 35, Suite 105, Austin TX 78741, and U.S.A. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Travis County, State of Texas, on the 10th day of June, 2021.

JAMES R HENDERSON 2732 Declarant
TX Certification#: PSC-12091 Exp. 06/30/2021



AX02A21601091

roberth
eaffidavits@pcpusa.net

Service Fee: 75.00 PCP Inv#: Z21600071
Witness Fee: .00 SO Inv#: A21601091
Mileage Fee: .00 Reference : 21-05-14010-DCV
Roman, Armando J.

E-FILE RETURN

THE STATE OF TEXAS
CITATION BY PERSONAL SERVICE
CAUSE NO.: 21-05-14010-DCV

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you."

TO: FAMILY DOLLAR STORES OF TEXAS, LLC, may be served with process by serving its registered agent, **CORPORATION SERVICE COMPANY D/B/A/ LAYWERS INCO**, at 211 E. 7th Street Suite 620, Austin, Texas 78701.

(REFER TO CERTIFIED COPY OF PLAINTIFF'S ORIGINAL PETITION ATTACHED HERETO:)

Defendant, in the hereinafter styled and numbered cause: 21-05-14010-DCV

YOU ARE HEREBY COMMANDED to appear before the honorable 293rd District Court of Dimmit County, Texas, by filing a written answer to the Petition of Plaintiff(s) at or before 10:00 o'clock a.m. on the Monday next after the expiration of 20 days after the date of service hereof, a copy of which accompanies this citation, in Cause Number 21-05-14010-DCV, styled

LIDIA MARIA MIRANDA

VS.

FAMILY DOLLAR STORES OF TEXAS, LLC

filed in said court on the 21st day of May, 2021.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said court at office, this the 21st day of May, 2021.

MARICELA G. GONZALEZ, DISTRICT CLERK
Dimmit County, Texas
103 North 5th Street
Carrizo Springs, TX 78834

By: *Dora A. Balderas*
DORA A. BALDERAS, CHIEF DEPUTY DISTRICT CLERK

PLAINTIFF'S ATTORNEY:
ARMANDO ROMAN
P.O. BOX 690728
SAN ANTONIO, TX 78269

Case No. 21-05-14010-DCV

Citation by Personal Service

293RD DISTRICT COURT of DIMMIT COUNTY, TEXAS

Issued

This 21st day of May, 2021
Maricela G. Gonzalez, District Clerk
Dimmit County, Texas

By Dora A. Balderas
Dora A. Balderas, Chief Deputy District Clerk

RETURN OF CITATION

Came to hand on the _____ day of _____, 2_____, at _____ o'clock _____. M.
Executed at _____, within the County of _____, at _____
o'clock _____. M. on the _____ day of _____, 2_____, by delivering to the within named
_____ in person, a true copy of this citation together with the accompanying copy of
the petition, having first attached such copy of such petition to such copy of citation and endorsed on such copy of
citation the date of delivery.

Not executed, the diligence used to execute being _____
_____; for the following reason _____
_____, the Defendant may be found _____.

TO CERTIFY WHICH WITNESS MY HAND OFFICIALLY.

Authorized Person

County, Texas

By _____ Deputy

VERIFICATION

State of Texas
County of _____

Before me, on this day personally appeared _____, who
being duly sworn on his oath deposed and said that he is of sound mind, and in no manner interested in the within
styled and numbered cause, and competent to make the oath of the facts herein stated, and that he has read the
foregoing Return of Citation and that every statement contained therein is within his personal knowledge true and
correct.

Authorized Person

Subscribed and sworn to before me on _____, 2_____, to certify which witness
my hand and official seal.

Notary Public in and for

County, Texas
My commission expires: _____

Notary's signature

MAYER

Filed 7/1/2021 9:41 AM
Maricela G. Gonzalez
District Clerk
Dimmit County, Texas
Reviewed By: Dora Balderas

ROBIN R. GANT
DIRECT: 214.379.6908
E-MAIL: RGANT@MAYERLLP.COM

July 1, 2021

Armando J. Roman
ROMAN LAW OFFICE
P. O. Box 690728
San Antonio, Texas 78269

Re: **Lidia Maria Miranda v. Family Dollar Stores of Texas, LLC**
Cause No.: 21-05-14010-DCV
Court: In the 293rd District Court, Dimmit County, Texas
Our File No.: 58000.00607

Dear Mr. Roman:

Enclosed is **Defendant Family Dollar Stores of Texas, LLC's Original Answer to Plaintiff's Original Petition and Demand for a Jury Trial** in the above-referenced matter, which was e-filed today in the 293rd District Court, Dimmit County, Texas.

Please be advised that we would like to take your client's deposition, on a mutually agreeable date and time, following our receipt of Plaintiff's Answers to Defendant's (forthcoming) written discovery requests.

Should you have any questions, please do not hesitate to contact me at 214.379.6908 or via email at rgant@mayerllp.com.

Sincerely,

MAYER LLP

By: /s/ Robin R. Gant
Robin R. Gant

RRG/pm
Attachment

I, MARICELA G. GONZALEZ, District Clerk of Dimmit County, Texas hereby certify that the foregoing consisting of 1 pages, a true, correct and full copy of the instrument herewith set out as it appears of record in the District Clerk's office of Dimmit County, Texas this 1st day of July, 2021.

Maricela G. Gonzalez, District Clerk
By: [Signature] Deputy

Filed 7/1/2021 9:41 AM
Maricela G. Gonzalez
District Clerk
Dimmit County, Texas
Reviewed By: Dora Balderas

MIRANDA/DEFENDANT FAMILY DOLLAR STORES OF TEXAS, LLC'S ORIGINAL
ANSWER TO PLAINTIFF'S ORIGINAL PETITION AND DEMAND FOR JURY TRIAL
DOC# 7680094 / 68000.005607

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/s/ Zach T. Mayer
Zach T. Mayer

- ☐ E-MAIL
☐ HAND DELIVERY
☐ FACSIMILE
☐ OVERNIGHT MAIL
☐ REGULAR, FIRST CLASS MAIL
☒ E-FILE AND SERVE
☐ E-SERVICE ONLY
☐ CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Armando J. Roman
ROMAN LAW OFFICE
P.O. Box 690728
San Antonio, Texas 78269
Counsel for Plaintiff

foregoing has been forwarded to all counsel of record as follows:
This is to certify that on the 1st day of July 2021, a true and correct copy of the

CERTIFICATE OF SERVICE

ATTORNEYS FOR DEFENDANT
FAMILY DOLLAR STORES OF TEXAS, LLC

By: /s/ Zach T. Mayer
Zach T. Mayer
State Bar No. 24013118
E-Mail: zmayer@mayerllp.com
Robin R. Gant
State Bar No. 24069754
E-Mail: rgant@mayerllp.com
Dwayne I. Lewis, II
State Bar No. 24097996
E-Mail: dlewis@mayerllp.com

MAYER LLP
750 North St. Paul Street, Suite 700
Dallas, Texas 75201
214.379.6900 / F: 214.379.6939

Respectfully submitted,